IN THE HIGH COURT OF PUNJAB AND HARYRNA AT CHANDIGARH

C.R. No. 3180 of 2005
Date of Decision:- 12.09.2006

Sher Singh ....Petitioner

through
Mr.Manish Kumar Singla, Advocate

vs.

Nachhattar Singh & ors. ....Respondents

through
Ms.Jaspal Kaur Gurna, Advocate for Nos. 1&2
Mr.C.L.Pawar, Advocate for Nos.3 to 6
Mr.Shamlal Bhalla, Advocate for No.7.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT

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SURYA KANT, J.

This revision petition has been preferred against the order dated 8.4.2005 whereby, an application under Order 7 Rule 11 CPC moved by the defendant No.7 has been accepted and the plaintiffs including the present petitioner have been directed to affix court fee on the sale consideration mentioned in the sale deeds executed by Harpal Singh son of Bagga Singh in favour of defendant-respondents No.1 to 7.

Notice of motion was issued and in response thereto defendant-respondent Nos.1 to 7 have put in appearance.

It is argued by learned counsel for the petitioner that since the suit is only for permanent injunction to restrain the defendants from raising construction over the subject property or alienating specific khasra number thereof in excess of respective shares, the impugned order directing the

plaintiffs to affix court fee on the sale consideration mentioned in the sale deeds executed by Harpal Singh son of Bagga Singh, is unsustainable.

On the other hand, learned counsel for the defendant-respondents No.1 to 7 vehemently contend that if one reads the plaint, it is apparent that the plaintiffs are impugning the sale deeds executed by Harpal Singh son of Bagga Singh on the ground that he had allegedly sold land more than his share in the joint *Khata*, therefore, the plaintiffs have been rightly directed to affix the court fee.

Faced with this situation, learned counsel for the petitioner states that the plaintiffs shall not press for framing of any issue for setting aside any of the sale deeds executed by respondent No.9 immediate before filing of the present suit and the details of which are mentioned in para No.4 of the plaint nor shall they claim any declaration that these sale deeds are illegal or null and void. It is, thus, contended that the present suit may be treated to have been confined for the relief of permanent injunction only.

In view of the above stated stand taken by learned counsel for the petitioner, learned counsel for the respondents have no objection if the impugned order directing the plaintiffs to affix the court fee in respect of the sale deeds executed by respondent No.9 in favour of respondent Nos.1 to 7, is set aside.

For the reasons stated above and in view of the undertaking given by learned counsel for the petitioner-plaintiffs, the impugned order dated 8.4.2005 is set aside.

Ordered accordingly.

September 12, 2006 **(SURYA KANT)**
poonam **JUDGE**